

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Young v. County of Alameda

Case No. 24-cv-03914-PCP · No. 24-cv-03914-PCP · Decided April 28, 2025

OPINION

Young v. County of Alameda

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 WALTER LEE YOUNG, Case No. 24-cv-03914-PCP 8 Plaintiff,

ORDER DISMISSING COMPLAINT

9 v. WITH LEAVE TO AMEND IN PART

10 COUNTY OF ALAMEDA, et al., Defendants. 11 12 13 Walter Young, an inmate at Santa Rita Jail in Dublin, California, filed a pro se civil rights 14 action under 42 U.S.C. § 1983. Dkt. No. 1 (“Compl.”) For the reasons stated below, Mr. Young’s 15 Complaint is DISMISSED with leave to amend the claims identified below. 16 I. Background 17 A class action was filed before United States Magistrate Judge Cousins, accusing Santa 18 Rita Jail of mistreating inmates with mental health diagnoses. See Babu v. Ahern, 18-cv-07677- 19 NC (N.D. Cal.). A consent decree was entered in that action. See Dkt. No. 436, Babu v. Ahern, 18- 20 cv-07677-NC (N.D. Cal. Feb. 7, 2022). After that consent decree was entered, Mr. Young filed 21 several declarations in the class action and referred to himself as a member of the class. See Dkt.

22 Nos. 547–49, 554, Babu v. Ahern, 18-cv-07677-NC (N.D. Cal.). Magistrate Judge Cousins 23 reviewed those declarations and informed Mr. Young that, “to the extent” he “raise[d] grievances 24 regarding Defendants’ compliance with the Consent Decree, he must work with class counsel to 25 follow the Consent Decree’s procedures for dispute resolution.” Dkt. No. 555 at 2, Babu v. Ahern, 26 18-cv-07677-NC (N.D. Cal. Nov. 13, 2024). 27 In the instant action, Mr. Young asks the Court to “review documents provided” in support 1 provides no facts regarding the assaults. See id. at 2. The grievances attached to the Complaint do 2 not mention any sexual assaults. See id. at 4–21. 1 Mr. Young provides copies of a claim made to 3 Alameda County that he had been sexually assaulted at Santa Rita Jail, see Dkt. Nos., 9, 13, but 4 none of his filings provide facts regarding the alleged sexual assault, see Dkt. Nos. 5, 9–14. 5 Mr. Young complains that his “privileges were taken away.” Compl. at 2. He filed multiple 6 declarations and exhibits regarding this loss of privileges. See id. at 4–21; see also Dkt. Nos. 5, 9– 7 14. These documents discuss privileges that Mr. Young believes he was denied because of his 8 mental health diagnosis,

which overlaps with the claims raised by his membership in the Babu 9 class. See generally *id.* Indeed, several of Mr. Young's failings are copies of the declarations that 10 Mr. Young filed in the Babu class action. See, e.g., Dkt. No. 10. Mr. Young's filings repeatedly 11 state that Mr. Young lost privileges "in full violation of the Consent Decree" entered in the Babu 12 v. Ahern class action. Compl. at 5; see also *id.* at 7–8, 11, 21. 13 One document mentions that Mr. Young complained of an illegal strip search on April 18, 14 2023, but does not provide any facts regarding this search. See Dkt. No. 5 at 10. This strip search 15 was not mentioned in the Complaint. See generally Compl. 16 Mr. Young states on the face of the Complaint that he did not appeal his grievance(s) to the 17 highest level at Santa Rita Jail, but also asks the Court to review the grievances attached to the 18 Complaint. See *id.* at 2. 19 As defendants, Mr. Young names the County of Alameda; Gregory Ahern, the Sheriff for 20 Alameda County; and felly inmate "Ishmal." *Id.* 21 II. Legal Standard 22 Federal courts must screen any case in which a prisoner seeks redress from a governmental 23 entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). The court must 24 identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim 25 upon which relief may be granted, or seek monetary relief from a defendant immune from such 26 relief. 28 U.S.C. § 1915A(b)(1), (2). Pro se pleadings must be liberally construed. See *Balistreri v. 27 1 Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990). 2 III. Analysis of Complaint 3 At this time, Mr. Young has not stated any cognizable claim. 4 A. Claims regarding sexual assault and strip search 5 Mr. Young's claims regarding sexual assault and a strip search are dismissed with leave to 6 amend. He must provide facts to support his claims; must explain whether he exhausted or, if he 7 failed to exhaust, why the exhaustion requirement must be excused; and must identify proper 8 defendants. 9 1. Need for facts 10 Rather than providing facts to support his claims, Mr. Young asks the Court to "please 11 obtain information." Compl. at 2. This is not the Court's role. Instead, Mr. Young must provide 12 the Court with the facts necessary to show he has cognizable claims. 13 Mr. Young must identify who harmed him, when that harm occurred, and the general 14 nature of and circumstances surrounding the harm. For example, if Mr. Young believes the strip 15 search constituted a sexual assault, he must explain what actions the officers took that were 16 beyond the scope of a normal search. See, e.g., *Bearchild v. Cobban*, 947 F.3d 1130, 1144–45 (9th 17 Cir. 2020) (recognizing that an assault may begin as a legitimate penological search and 18 explaining that to show officer's actions rose to the level of an assault, the prisoner must show that 19 the official's "conduct exceeded the scope of what was required to satisfy whatever institutional 20 concern justified the initiation of the procedure"). 21 Mr. Young also must explain whether he is a convicted inmate or a pretrial detainee. If he 22 is a convicted inmate, claims regarding a sexual assault and/or strip search are likely to be 23 analyzed under the Eighth Amendment's proscription against cruel and unusual punishment. If he 24 is a pretrial detainee, the same events will be analyzed under the Due Process Clause of the 25 Fourteenth Amendment. See *Bell v. Wolfish*, 441 U.S. 520, 535 n.16 (1979) ("[T]he State does not 26 acquire the power to

punish with which the Eighth Amendment is concerned until after it has secured a formal adjudication of guilt in accordance with due process of law. Where the State Process Clause of the Fourteenth Amendment.”) (citations omitted). 22. Exhaustion 3 On the face of the Complaint, Mr. Young states that he did not appeal his grievances to the 4 highest administrative level possible. See Compl. at 2. He also asks the Court to review the 5 grievances attached to his Complaint. See *id.* The Court reviewed these documents and did not 6 find any jail grievance regarding a sexual assault. It therefore appears that Mr. Young did not 7 exhaust this claim. Mr. Young’s later-filed exhibits mention a strip search, but that was not raised 8 in the Complaint and it is not clear whether Mr. Young pursued this grievance to the highest 9 administrative level possible. Compare Dkt. No. 5 with Compl. 10 Federal law provides that “[n]o action shall be brought with respect to prison conditions 11 under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or 12 other correctional facility until such administrative remedies as are available are exhausted.” 42 13 U.S.C. § 1997e(a). Exhaustion in prisoner cases covered by § 1997e(a) is mandatory. *Porter v. 14 Nussle*, 534 U.S. 516, 524 (2002); *Ross v. Blake*, 578 U.S. 632, 638–39 (2016) (mandatory 15 language of § 1997e(a) forecloses judicial discretion to craft exceptions). All available remedies 16 must be exhausted and exhaustion is a prerequisite to suit. See *Porter*, 534 U.S. at 524; see also 17 *Booth v. Churner*, 532 U.S. 731, 741 (2001). District courts lack discretion to ignore a failure to 18 exhaust. See *Woodford v. Ngo*, 548 U.S. 81, 84 (2006). 19 Here, the apparent failure to exhaust is another reason why Mr. Young’s claims must be 20 dismissed. If Mr. Young believes he has exhausted his sexual assault and strip search claims, and 21 if wishes to pursue those claims in an amended complaint, he must explain whether he pursued 22 those claims to the highest level of administrative appeal available, or why exhaustion should not 23 be required of him. 24 3. Defendants 25 Mr. Young sues Alameda County, Alameda County Sheriff Ahern, and another inmate. 26 See Compl. at 2. 27 To sue Alameda County, Mr. Young must establish: “(1) that he possessed a constitutional 1 amount[ed] to deliberate indifference to the plaintiff’s constitutional rights; and (4) that the policy 2 [was] the moving force behind the constitutional violation.” *Oviatt By and Through Waugh v. 3 Pearce*, 954 F.2d 1470, 1474 (9th Cir. 1992) (citations and quotation marks omitted) (explaining 4 how a government agency may be held liable under *Monell v. Dep’t of Soc. Servs. of City of New 5 York*, 436 U.S. 658 (1978)). If a plaintiff cannot identify an unconstitutional policy of the 6 government agency, the plaintiff must “produce evidence creating a triable issue of fact regarding 7 the existence of an unconstitutional practice or custom.” *Gordon v. Orange County*, 6 F.4th 961, 8 974 (9th Cir. 2021) (concluding no custom or practice was shown where the record lacked 9 evidence of any other event involving similar conduct or constitutional violations). “[A] single 10 incident of unconstitutional activity is not sufficient to impose liability under *Monell*.” *Oklahoma 11 City v. Tuttle*, 471 U.S. 808, 823–24 (1985). Here, Mr. Young has not identified any policy or 12 practice which caused the alleged sexual assault or strip search. If he chooses to amend these 13 claims against Alameda County, he must identify such a policy or practice. 14 Mr. Young’s claims against

Sheriff Ahern fail because he did not identify any way in 15 which that individual wronged him. “In a § 1983 suit each Government official, his or her title 16 notwithstanding, is only liable for his or her own misconduct.” *Ashcroft v. Iqbal*, 556 U.S. 662, 17 677 (2009). Under no circumstances is there liability under section 1983 on the theory that one is 18 responsible for the actions or omissions of another. *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 19 1989) (“There is no respondeat superior liability under section 1983.”). It is insufficient for a 20 plaintiff generally to allege that supervisors knew about a constitutional violation and that they 21 generally created policies and procedures that led to the violation. *Hydrick v. Hunter*, 669 F.3d 22 937, 942 (9th Cir. 2012). To sue the Sheriff Ahern, Mr. Young must identify what actions Sheriff 23 Ahern took related to the sexual assault and/or strip search, which directly caused injury to Mr. 24 Mr. Young. 25 It is unclear why Mr. Young sued a fellow inmate. A civil rights action may only be 26 brought against “a person acting under the color of state law.” *West v. Atkins*, 487 U.S. 42, 48 27 (1988). It seems unlikely that Inmate Ishmal was acting under color of state law when he caused 1 Inmate Ishmal if Mr. Young specifies exactly how Inmate Ishmal harmed him and how Inmate 2 Ishmal was acting under state law at the time of the harm. 3 B. Claims regarding denied privileges 4 Mr. Young’s claims regarding privileges denied by Santa Rita Jail are dismissed without 5 leave to amend. 6 Mr. Young makes clear that he believes he has been denied privileges guaranteed by the 7 Consent Decree entered in the Babu class action. As Magistrate Judge Cousins has already 8 informed Mr. Young, these claims must be raised “through class counsel using the procedures in 9 the Consent Decree.” See Dkt. No. 555 at 2, *Babu v. Ahern*, 18-cv-07677-NC (N.D. Cal. Nov. 13, 10 2024). 11 Mr. Young’s claims regarding jail privileges thus are dismissed without leave to amend. 12 Dismissal is without prejudice to pursuing these claims as required by the Consent Decree entered 13 in the Babu class action. 14 IV. Conclusion 15 1. The Complaint is dismissed with leave to amend as to the sexual assault and strip 16 search claims, but without leave to amend as to the claims for violations of the Consent Decree 17 entered in the Babu class action. 18 2. Mr. Young may file a FIRST AMENDED COMPLAINT by June 6, 2025. The 19 first amended complaint must include the caption and civil case number used in this order (CV 24- 20 3914-PCP (PR)) and the words FIRST AMENDED COMPLAINT on the first page. If Mr. Young 21 files a first amended complaint, he must allege facts that demonstrate he is entitled to relief on 22 each claim. An amended complaint supersedes the original complaint. See *London v. Coopers & 23 Lybrand*, 644 F.2d 811, 814 (9th Cir. 1981) (“[A] plaintiff waives all causes of action alleged in 24 the original complaint which are not alleged in the amended complaint.”); *Ferdik v. Bonzelet*, 963 25 F.2d 1258, 1262–63 (9th Cir. 1992) (where an amended complaint did not name all the defendants 26 to an action, they were no longer defendants). 27 3. Failure to file an amended complaint within the allotted time and in] futile, and this action will be dismissed. If Mr. Young needs an extension of time to amend his 2 || complaint, the extension must be requested before the deadline to amend has passed. 3 4. It is Mr. Young’s responsibility to prosecute this case. Mr. Young must keep the 4 || Court informed of any change of address by filing a separate paper with

the Clerk headed “Notice 5 of Change of Address,” and must comply with the Court’s orders in a timely fashion. Failure to do 6 || so will result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of 7 {| Civil Procedure 41(b). 8 9 IT IS SO ORDERED. 10 || Dated: April 28, 2025 1] Ze L L Coy 5 P. Casey Pitt 13 United States District Judge (44 16 17 Oo Z 18 19 20 21 22 23 24 25 26 27 28